

9/9/04

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/667,178	MAEGLI, JACK WILLIAM
	Examiner Tania C. Courson	Art Unit 2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendments filed October 5, 2004 & November 4, 2004.
2.  The allowed claim(s) is/are 1 and 4-6.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 12202004.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	<ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol>
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#### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jack Maegli on December 16, 2004. The application has been amended as follows:

2. The following changes have been made to the application in order to clearly describe the invention and to define the claimed invention over the prior art of record:

In the Specification:

a) on page 6:

- i. add the following paragraph, after the description of Figure 4, line 12,  
--Figure 5 shows a representation of the embodiment using an equatorial disc.

Figure 6 shows a south view of the equatorial disc represented in the embodiment of Figure 5. –

b) on page 13;

- i. add the following paragraph, after the section heading "Alternative Representation of the Invention":

--Figures 5-6 show an equatorial sundial where the equatorial ring has been replaced with a solid disc (26). The gnomon (2) has been extended on the southern end to rest along with the disc on a flat surface (27). This length is adjusted such that the angle between the horizon and the gnomon (28) is equal to the latitude of placement. --

ii. "a solid disc would", line 8, has been replaced with -- a solid disc (26)  
would --

Claim 1:

a) replace the entire claim with the following:

-- An equatorial ring sundial containing a single and independent time scale and a single and independent date scale, both of utility regardless of solar altitude (or time of day) comprised of:

    a primary polar gnomon with superimposed date scale for projecting a shadow on the time scale and receiving a projected shadow from a secondary gnomon to determine a date;

    wherein the date scale is superimposed on a linear section of the primary gnomon; an equatorial ring: the approximate top half serving as the secondary gnomon for projecting the shadow at a consistent position on the primary gnomon date scale regardless of solar altitude or time of day;

    the time scale represented on the approximate bottom half of the equatorial ring.--

Cancel claims 3 and 7-11.

Claim 5:

- a) "The embodiment of claim 2", line 1, has been replaced with -- The embodiment of claim 4--.

Claim 6:

- a) "The embodiment of claim 3", line 1, has been replaced with -- The embodiment of claim 5--.

***Drawings***

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

- a) Add Figures 5-6 (previously canceled Figures 4-5, see attachment #1):
  - i. in revised Fig. 5. numeral "1" has been replaced with -- 26 --;
  - ii. in revised Fig. 5. numeral "3" has been replaced with -- 27 --;
  - iii. in revised Fig. 5. numeral "4" has been replaced with -- 28 --;
  - iv. in revised Fig. 6. numeral "26" has been added.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

## **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance for Claims 1 and 4-6: the prior art does not disclose or suggest an equatorial ring sundial containing a single and independent time scale and a single and independent date scale including the date scale superimposed on a linear section of a primary gnomon and an equatorial ring wherein the approximate top half serves as a secondary gnomon for projecting a shadow at a consistent position on the primary gnomon date scale regardless of solar altitude or time of day in combination with the remaining limitations of the claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
GROUP ART UNIT 2859

TCC  
December 20, 2004

CHRISTOPHER W. FULTON  
PRIMARY EXAMINER